

DECLARATORY RESOLUTION
No. 729 - 1941

For the vacation of the first alley east of Clinton Street from the south property line of Dalman Avenue to the north property line of the first alley south of Dalman Avenue.

Approved-Adopted: May 1, 1941 10 A.M.

Not. Prop. Owners: May 3-10-41

Hearing on Confm. May 22, 1941

Confirmed: " " 7:30 P.M.

Assessm. Roll Ord. " " "

Assessm. Roll Approved: Tues. May 27,
1941, 10 A.M.

Hearing on Confm. Tues. June 10, 1941
10 A.M.

Confirmed: Tues. June 10, 1941, 10 A.M.

Improvement Res. No.

Resolution Adopted:

Confirmed:

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

DECLARATORY RESOLUTION NO. 729-1941.

For the vacation of the first alley east of Clinton Street from the south property line of Dalman Avenue to the north property line of the first alley south of Dalman Avenue.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the first alley east of Clinton Street from the south property line of Dalman Avenue to the north property line of the first alley south of Dalman Avenue.

All as shown by a plan of such proposed vacation now on file in the office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said vacation as above described shall be assessed against the property abutting on said vacated alley.

The total cost of the relocation of the ~~sanitary~~ sewer situated in said alley to be vacated shall be paid for by the property abutting on said alley.

The property which may be injuriously or beneficially affected by the proposed alley vacation as above described is described as all lots and lands lying east of Clinton Street; south of Dalman Avenue; west of Barr Street and north of the first alley south of Dalman Avenue.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled, "An Act Concerning Municipal Corporations" approved March 6, 1905, and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal annual installments with interest at the rate of five (5%) per cent per annum. Under no circumstances shall the City of Fort Wayne, Indiana, be or be held responsible for any sum or sums due from said property owners for said condemnation of property or for the payment of any bond or bonds, certificate or certificates issued in payment for such property damages except for such moneys as shall have been actually received by the City from the assessments for such property damages or such moneys as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

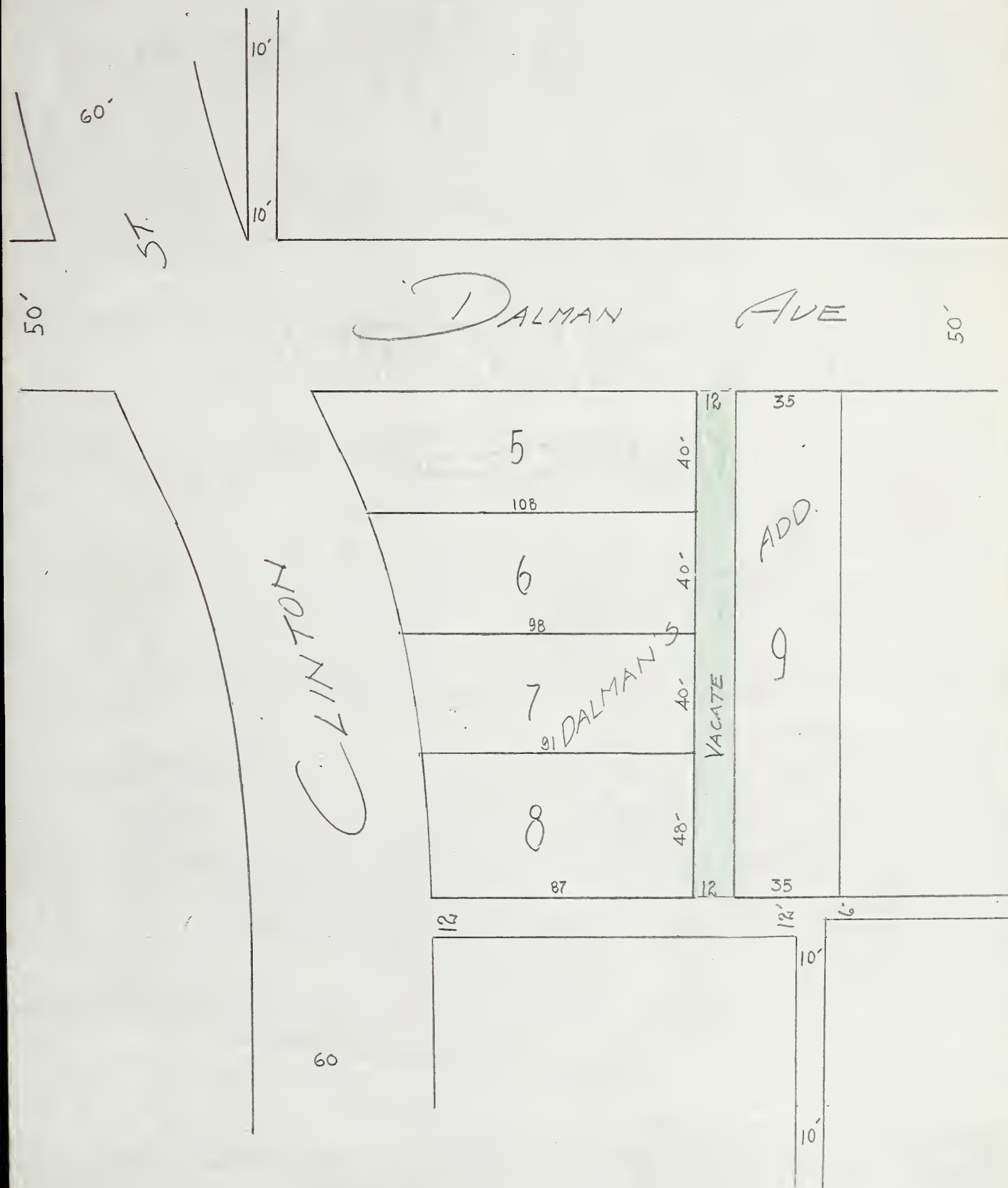
All of said streets and alleys and lots and lands affected by the above described alley vacation being situated in the Northeast Quarter of Section 14, Township 30 North, Range 12 East, and lying within the corporate limits of the City of Fort Wayne, Allen County, Indiana.

Adopted this 1st day of May, 1941.

Attest:

Chas. F. Hess.
Secretary.

David Lewis.
J. H. Johnson
Board of Public Works.



Plan of the vacation of the first alley east of Clinton Street from the south property line of Dalman Avenue to the north property line of the first alley south of Dalman Avenue.

Declaratory Resolution No. 729-1941.

MEETING OF THE BOARD OF DIRECTORS OF SLICK'S FAMILY
WASHING COMPANY, a corporation.

The following resolution was duly made and unanimously carried at a meeting of the Board of Directors held on the 26th day of April, 1941, to-wit:

Be it resolved that the President and Secretary are hereby authorized and directed to enter into an agreement with The Home Telephone and Telegraph Company, an Indiana Corporation, providing for the removal of said telephone company's poles, wires, and other equipment from the alley immediately west of the property owned by this company, and said officers are hereby directed and authorized to enter into an easement granting and conveying to said Home Telephone & Telegraph Company, its successors and assigns, the right and authority to construct, maintain, operate, repair, replace and renew underground conduits, cables and other necessary equipment across, along and under the real estate now owned by Slick's Family Washing Company.

— April 26, 1941.

I certify that the above resolution was duly passed at a regular meeting of the Board of Directors of Slick's Family Washing Company.



SECRETARY



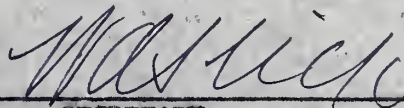
MEETING OF THE BOARD OF DIRECTORS OF SLICK'S FAMILY
WASHING COMPANY, a corporation.

The following resolution was duly made and unanimously carried at a meeting of the Board of Directors held on the 26th day of April, 1941, to-wit:

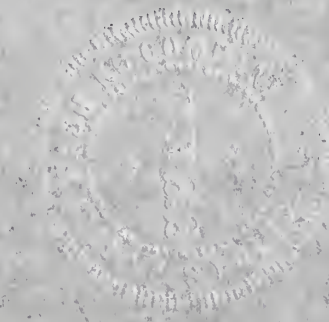
Be it resolved that the President and Secretary are hereby authorized and directed to enter into an agreement with The Home Telephone and Telegraph Company, an Indiana Corporation, providing for the removal of said telephone company's poles, wires, and other equipment from the alley immediately west of the property owned by this company, and said officers are hereby directed and authorized to enter into an easement granting and conveying to said Home Telephone & Telegraph Company, its successors and assigns, the right and authority to construct, maintain, operate, repair, replace and renew underground conduits, cables and other necessary equipment across, along and under the real estate now owned by Slick's Family Washing Company.

— April 26, 1941.

I certify that the above resolution was duly passed at a regular meeting of the Board of Directors of Slick's Family Washing Company.



SECRETARY



Fort Wayne, Indiana,
August 24th., 1940.

P E T I T I O N

TO THE BOARD OF PUBLIC WORKS OF THE CITY OF FORT WAYNE. INDIANA.

Gentlemen:

The undersigned, respectfully petitions for the passage of a resolution providing for the vacating of that portion of the alley between Clinton Street, (Piqua Avenue) and Barr Street, which portion of the alley proposed to be vacated runs North and South from Dallman Street on the North, South to the first alley that runs East and West, South of Dallman Street, for the following reasons:

1. That the undersigned is the sole owner of all property effecting this alley, and therefore the only one effected by the closing thereof.
2. That said portion of the alley proposed to be closed and vacated is not used by the public.
3. That said portion runs to a dead end on the South, and is therefore a serious traffic hazard.
4. That there is no public need for said alley.
5. That the closing thereof will lessen traffic hazard.
6. That public parking on Clinton Street will be eliminated in so far as trade of my Company is concerned.
7. That by such closing our trucks will be parked at our plant completely on our own property and not on these streets and alley.

SLICK'S FAMILY WASHING COMPANY.

By: John L. Slick

*12" Sewer in this
alley one*

Fort Wayne, Indiana,
July 27th., 1940.

S U P P O R T I N G
P E T I T I O N .

TO THE BOARD OF PUBLIC WORKS OF THE CITY OF FORT WAYNE, INDIANA.

Gentlemen:

The undersigned, owners of Real Estate and residents of the immediate neighborhood respectfully petition for the passage of a Resolution providing for the vacating of that portion of the alley between Clinton Street, (Piqua Avenue) and Barr Street, Which portion of the alley runs North and South from Dallman Street on the North, South to the first alley that runs East and West, South of Dallman Street for the following reasons:

1. That the said portion of the alley proposed to be vacated is not used by the public.
2. That the portion proposed to be vacated runs to a dead end on the South at the alley running East and West between Clinton Street (Piqua Avenue) to Barr Street.
3. That there is no need by the public for the existence of this said alley proposed to be vacated.

Fred Berkes	8241	Piqua Ave	Ft. Wayne
Argire V. Lebamoff.	3230	Piqua ave	Ft. Wayne
Raymond Cochran	3617	Piqua Ave	Wayne
John D Becker	3239	Piqua Ave,	Ft. Wayne
John R Hoop	3306	Piqua ave	Ft Wayne
Leo Nix	3235	Piqua ave	Ft Wayne.
Russell A Anderson	3225	Piqua Ave,	Ft. Wayne,
John H. Smith.	222	Dalman St.	

Petition for Passage

of a Resolution for

Vacating portion of alley

between Clinton Street(Piqua

Avenue) and Barr Street

from Dallman Street South

to first East and West Alley

South of Dallman Street

Filed with the Board of Public Works

Referred to City Engineer
for investigation

August 27, 1940

PETITION

Fort Wayne, Ind., _____

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real
estate on _____, from
_____ to _____
respectfully petition for the passage of a resolution providing for the

C. of In'sec. _____

P. & S. O. _____

Pl. on File _____

Advisement to _____

Ref. to Eng. _____

Water _____ Gas _____ Car _____

Sewer _____



OFFICE OF
BOARD OF PUBLIC WORKS

FORT WAYNE, INDIANA

August 27, 1940

Mr. Chauncey R. McAnlis
City Engineer
City of Fort Wayne, Indiana

Dear Sir:

We are referring to you for investigation and report a petition, providing for the vacation of that portion of the alley between Clinton Street, (Piqua Avenue) and Barr Street, from Dalman Avenue to the first alley south of Dalman Avenue.

Yours truly,

[Signature]

David Lewis

BOARD OF PUBLIC WORKS

ATTEST:

SECRETARY

C. F. Hess

CFH:HS

Home Tel (underground conduit; objects) want notice
Isc not interested
N.I.P. No (Zuber)

*City of Fort Wayne
power line*

*BRWbs
alley has sewer in it. If
vacated should have
sewer easment reserved
8/27/40*

CR. McAnlis

AGREEMENT

THIS AGREEMENT, made and entered into in triplicate this 30th day of April, 1941, by and between JOHN L. SLICK and HARRIET M. SLICK, his wife, of Fort Wayne, Indiana, and SLICK'S FAMILY WASHING COMPANY, an Indiana corporation with its principal place of business in the City of Fort Wayne, Indiana, Parties of the First Part, and THE HOME TELEPHONE AND TELEGRAPH COMPANY, an Indiana corporation, Party of the Second Part, WITNESSETH:

WHEREAS, the First Party John L. Slick has heretofore filed with the Board of Public Works of the City of Fort Wayne a petition for the vacation of a certain public alley, being the first alley East of the intersection of Clinton Street and Dalman Avenue in said City of Fort Wayne, Indiana, extending from the South line of said Dalman Avenue to the North line of the first alley running East and West South of said Dalman Avenue, and

WHEREAS, the First Party John L. Slick is the owner of Lots 6, 7, and 8 in John Dalman's Addition to the City of Fort Wayne and the East 48 feet of Lot 5 in said Addition, being all of the real estate adjoining said alley on the West, and the First Party Slick's Family Washing Company is the owner of Lots 9, 10, and 11 in said Addition, comprising all of the real estate adjoining said alley on the East, and

WHEREAS, in case of the vacation of said alley, the title to the real estate embraced therein will become vested in said First Parties as the owners of the property immediately adjacent thereto, and

WHEREAS, the Second Party has heretofore constructed and installed and now maintains in said alley certain poles, wires, and other equipment which are a part of its telephone system, and

WHEREAS, said First Parties propose to make certain improvements upon and to construct certain buildings upon the real estate now occupied by said alley in case the same is vacated, and have requested the Second Party to consent to said vacation and to

remove its existing poles and equipment from said alley and to reconstruct its telephone lines therein in such manner as to conduct its wires along said alley by means of underground conduits,

NOW, THEREFORE, in consideration of the mutual and several covenants of the parties as hereinafter set out, it is agreed between them as follows:

(1) The First Parties have signed a certain written easement granting to the Second Party the right to reconstruct, maintain, and repair an underground telephone line under, along, and across the real estate embraced in said alley proposed to be vacated, a copy of which easement is attached hereto, marked "Exhibit 1", and hereby incorporated in this agreement for purpose of reference, and agree that immediately upon the entry of a proper order providing for the vacation of said alley they will deliver said easement to Second Party.

(2) Second Party agrees that if said alley be vacated and a written easement executed by the First Parties in the form shown by Exhibit 1 attached hereto be delivered to it, it will, within 90 days of the receipt by it of a written notice from First Parties requesting it so to do, remove its existing poles and overhead equipment from said alley and reconstruct the telephone lines there located under and across the real estate described in said easement by means of underground conduits; provided, however, that the notice hereinbefore referred to shall be given by First Parties not later than three (3) months after the entry of the order vacating said alley.

(3) The relocation of the present overhead system of the Second Party, and the construction and installation of an underground system will involve substantial expense, and First Parties in consideration of the expense so to be incurred hereby agree that they will pay to Second Party the sum of Three Hundred Seventy-Five and 86/100 Dollars (\$375.86), said payment to be made in cash upon completion of the reinstallation.

(4) First Parties are proposing to construct upon the real estate now occupied by said alley and on adjacent real estate certain buildings and to make certain other improvements on the real estate embraced in said alley. If the construction of said buildings or other improvements made upon said real estate by First Parties in any way damages or interferes with said underground system theretofore installed by Second Party in such manner as to necessitate its repair, reconstruction, or relocation, First Parties agree that they will pay to Second Party promptly upon the presentation of verified invoices showing the same, the actual cost of labor and material incurred in the repair, relocation, or reconstruction of said underground system, caused by such interference therewith.

IN WITNESS WHEREOF, the parties above named have hereunto set their hands this 30th day of April, 1941.

Harriet M. Slick
John L. Slick

SLICK'S FAMILY WASHING COMPANY

By

John L. Slick
Its President

THE HOME TELEPHONE AND TELEGRAPH COMPANY

By

[Signature]
Its Vice-President

E A S E M E N T

KNOW ALL MEN BY THESE PRESENTS, that JOHN L. SLICK and HARRIET M. SLICK, his wife, of Fort Wayne, Indiana, and SLICK'S FAMILY WASHING COMPANY, an Indiana corporation, Grantors, in consideration of the sum of One Dollar (\$1.00) and other valuable considerations paid to them, the receipt of which are hereby acknowledged, hereby grant and convey to THE HOME TELEPHONE AND TELEGRAPH COMPANY, an Indiana corporation, its successors and assigns, the right and authority to construct, maintain, operate, repair, replace, and renew underground conduits, cables, and other necessary equipment within such underground conduits as may be necessary for the operation of an underground telephone transmission line, across, along, and under the following described real estate situated in the City of Fort Wayne, Allen County, Indiana, to-wit:

All of that real estate embraced in the first alley East of the intersection of Clinton Street and Dalman Avenue in the City of Fort Wayne, Indiana, which has recently been vacated, which real estate is bounded on the West by Lots 5, 6, 7, and 8 in John Dalman's Addition to the City of Fort Wayne, and on the East by Lot 9 in said Addition, on the North by the South line of Dalman Avenue, and on the South by the North line of the first alley running East and West, South of said Dalman Avenue,

together with the right of ingress and egress to and from said real estate for the purpose of inspecting, renewing, repairing or reconstructing said conduits, cables, and other equipment.

The Grantors expressly reserve the right to construct buildings and to make other improvements upon the real estate hereinbefore described, but they agree that if the construction of said buildings or the making of said improvements in any way damages or interferes with the underground telephone system installed by Grantee upon said real estate, that they will pay to the Grantee herein promptly upon the presentation of verified invoices showing the actual cost of labor and material incurred in the repair, relocation, or reconstruction of said underground system, the amount shown by such invoices.

This easement shall be binding upon the Grantors, their heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the above named John L. Slick and Harriet M. Slick, his wife, each over the age of 21 years, have hereunto set their hands and seals, and the Grantor, Slick's Family Washing Company, has hereunto set its hand by John L. Slick, its President, and caused its corporate seal to be attached hereto by W. A. Slick, its Secretary.

Harriet M. Slick (SEAL)
John L. Slick (SEAL)

SLICK'S FAMILY WASHING COMPANY

By John L. Slick,
Its President
W. A. Slick

Attest:

W. A. Slick
Its Secretary

Grantors

STATE OF INDIANA)
 (SS
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State this 30th day of April, 1941, personally appeared the within named John L. Slick and Harriet M. Slick, his wife, each over the age of 21 years, Grantors in the above easement, and acknowledged the execution of the same to be their voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and notarial seal this 30th day of April, 1941.

Frances E. Branning
Notary Public

My Commission Expires

July 3, 1944

STATE OF INDIANA)
 (SS
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State this 30th day of April, 1941, personally appeared John L. Slick and W. A. Slick, known to me to be respectively President and Secretary of the above named grantor, Slick's Family Washing Company, and acknowledged the execution of the foregoing easement to be their voluntary act and deed as such President and Secretary, and the voluntary act and deed of said Corporation, and the said W. A. Slick, being duly sworn upon his oath, says that he knows the corporate seal of the Corporation and that the corporate seal hereunto affixed was the genuine corporate seal thereof.

WITNESS my hand and notarial seal this 30th day of April, 1941.

Frances E. Branning
Notary Public

My commission expires

July 3, 1944

